

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANTIOCH LITIGATION TRUST,	:	
	:	
Plaintiff,	:	Case No. 3:09cv218
	:	
vs.	:	JUDGE WALTER HERBERT RICE
	:	
McDERMOTT WILL & EMERY, LLP,	:	
	:	
Defendant.	:	

DECISION AND ENTRY OVERRULING DEFENDANT'S FIRST MOTION
TO DISMISS (DOC. #10), AS SUPERSEDED

In response to Plaintiff's Complaint (Doc. #1), charging it with legal malpractice, the Defendant filed a Motion to Dismiss (Doc. #10) ("First Motion to Dismiss"). Plaintiff, in turn, filed an Amended Complaint (Doc. #14), which resulted in Defendant filing another Motion to Dismiss (Doc. #16) ("Second Motion to Dismiss"). Just as the Plaintiff's Amended Complaint has superseded its initial pleading, Defendant's Second Motion to Dismiss has superseded its first such

motion. Accordingly, the Court overrules, as superseded, Defendant's First Motion to Dismiss (Doc. #10).

February 17, 2010

/s/ Walter Herbert Rice

WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT

Copies to:

Counsel of Record.